

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED

THE MEN'S WEARHOUSE, INC., TMW  
MARKETING COMPANY, INC.,  
STARBUCKS CORPORATION, and  
STARBUCKS U.S. BRANDS L.L.C.,

SEP 26 2006

Michael N. Milby, Clerk

Plaintiffs,

v.

EXCLUSIVE GIFT CARDS, NIU TECH  
L.L.C. and JOHN DOES NO. 1-10,

Defendants.

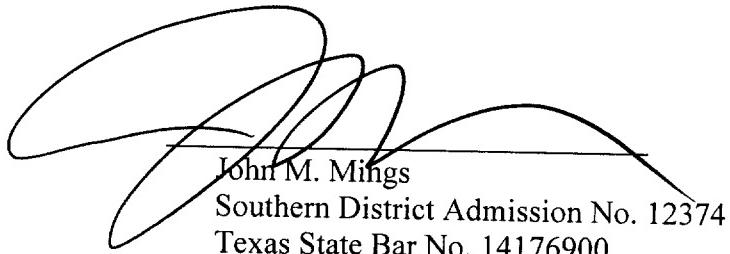
Civil Action No.: H-06-1853

NOTICE OF DISMISSAL

This case is dismissed with prejudice pursuant to Rule 41(a).

Dated: September 26, 2006

FULBRIGHT & JAWORSKI L.L.P.



John M. Mifflin  
Southern District Admission No. 12374  
Texas State Bar No. 14176900  
1301 McKinney, Suite 5100  
Houston, Texas 77010-3095  
Telephone: (713) 651-5151  
Facsimile: (713) 651-5246

Attorney for Plaintiffs' The Men's Wearhouse,  
Inc., TMW Marketing Company, Inc., Starbucks  
Corporation; and Starbucks U.S. Brands L.L.C.

OF COUNSEL:  
Fulbright & Jaworski L.L.P.  
Fulbright Tower  
1301 McKinney, Suite 5100  
Houston, Texas 77010-3095  
Telephone: (713) 651-5151  
Facsimile: (713) 651-5246

CERTIFICATE OF SERVICE

This hereby certifies that this Notice of Dismissal, was served to the following by Certified Mail, Return Receipt Requested, on the 26th day of September, 2006:

G. Donovan Conwell, Jr.  
Dineen Pashoukos Wasyluk  
Conwell Sukhia & Kirkpatrick, LLP  
2701 North Rock Point Drive, Suite 1200  
Tampa, FL 33607

Charles L. Stinneford  
Gordon Arata McCollam Duplantis & Eagan, LLP  
2200 West Loop South, Suite 1050  
Houston, Texas 77027

